

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

ANTONIO MARTINEZ, #247 206

Plaintiff,

V.

NURSE STEWART,

Defendant.

CIVIL ACTION NO. 3:06-CV-257-MHT
[WO]

ORDER

The magistrate judge filed a recommendation (Doc. #19) in this case to which no timely objections have been filed. After a review of the recommendation and after an independent and de novo review of the entire record, the court believes that the recommendation should be adopted. Accordingly, it is

ORDERED that:

- (1) The recommendation (Doc. #19) of the magistrate judge is adopted.
- (2) Defendant's motion for summary judgment (Doc. #9) is granted to the extent that defendant seeks dismissal of this case for plaintiff's failure to exhaust available administrative remedies.
- (3) This case is dismissed without prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a).
- (4) No costs are taxed.

An appropriate judgment will be entered.

DONE, this the 7th day of March, 2008.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE